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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,725	12/10/2003	Shmuel Shaffer	062891.1193	2022
5073	7590	06/02/2005	EXAMINER	
BAKER BOTTS L.L.P.			NGUYEN, TAN QUANG	
2001 ROSS AVENUE				
SUITE 600			ART UNIT	PAPER NUMBER
DALLAS, TX 75201-2980			3661	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

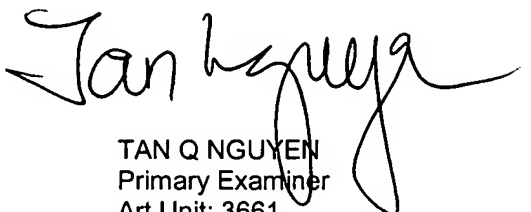
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Commissioner for Patents


TAN Q NGUYEN
Primary Examiner
Art Unit: 3661

Office Action Summary

Application No.

10/732,725

Applicant(s)

SHAFFER ET AL.

Examiner

TAN Q NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 56-58 and 69-72 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 9-13, 16, 17, 21-24, 27-32, 35, 36, 40-44, 47, 48, 52-55, 59, 62, 63 and 66-69 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6-8, 14, 15, 18-20, 25, 26, 33, 34, 37-39, 45, 46, 49-51, 60, 61, 64 and 65 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/10/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAIL ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-72 are pending.
2. The prior art submitted on December 10, 2003 has been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 5, 9-13, 16, 17, 21-24, 27-32, 35, 36, 40-44, 47, 48 and 52-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoyama et al. (6,202,024).
5. As per claims 1, 5 and 12, Yokoyama et al. disclose the invention as claimed which includes the steps of receiving destination information from a user (see figure 3 and column 9, lines 63-67), determining a first route to the destination and communicating the first route to the user (see figure 3, items s208, s210 and column 10, lines 15-21). Yokoyama et al. further disclose the steps of monitoring position information of the a plurality of vehicles in order to identifying an area causing traffic delay (see at least figure 17 and column 15, line 49 to column 16, line 1), and

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determining a second route to the destination to avoid the area and communicating the second route to the user (see at least column 16, lines 4-23).

6. As per claim 4, Yokoyama et al. disclose an area causing traffic delay based on speed of the plurality of vehicles (see at least column 15, line 61 to column 16, line 1).

7. As per claims 9-11, Yokoyama et al. further disclose that the area causing traffic delay based on the weather conditions, road surface condition (i.e. construction, closing) and traffic accident, for example (see column 16, lines 1-4).

8. With respect to claims 13, 16-17, 21-24, 27-32, 40-44, 47-48 and 52-55, the rejections of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 59, 62-63 and 66-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piwowarski (6,405,130) in view of Yokoyama et al. (6,202,024).

12. With respect to claim 59, 62 and 63, Piwowarski discloses a system for displaying navigation information which includes a mobile navigation system for calculating a first route to the desired destination (see at least figure 1, column 1, lines 58), remote station for broadcasting to mobile navigation system information regarding traffic congestion levels of area road segment, and the mobile navigation system determines a second route to the destination to avoid the area for the user (see at least figure 3 and column 3, lines 5-20).

13. Piwowarski does not explicitly disclose that the traffic congestion levels are determined based on the speed information of a plurality of vehicles. However, such feature is well known at the time the invention was made and suggested in at least column 15, line 61 to column 16, line 1 of the Yokoyama et al. It would have been obvious to one of ordinary skill in the art to incorporate the teaching of the Yokoyama et al. into the system of Piwowarski in order to obtain the real time traffic congestion based on the float cars which improve the calculated second route for the user.

14. With respect to claims 66-68, Piwowarski does not explicitly disclose that the traffic congestion levels comprise a construction area, a traffic accident or a temporary closure of at least portion of a road. However, Yokoyama et al. suggest the traffic accident, road surface condition as the examples for causing the delay. It would have been obvious to an ordinary skill in the art to realize that such road construction, traffic accident or road closure are the one that cause the traffic delay.

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15. Claims 2, 3, 6-8, 14, 15, 18-20, 25, 26, 33, 34, 37-39, 45, 46, 49-51, 60, 61, 64 and 65 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Claims 56-58 and 69-72 are allowable. None of the prior arts of record discloses the step of identifying an area causing traffic delay using the position information of the plurality of vehicles comprises identifying an area causing traffic delay based on route diversions of the plurality of vehicles. Further, the steps communicating to a member of users respective routes that includes the area causing traffic delay, and monitoring position of the number of users to determined when traffic delay is reduced in the area are not found in the prior art of record. Also, the steps of monitoring position of a second plurality of vehicles, determining when the traffic delay is reduced in the area using the position information of the second plurality of vehicles, updating the second route to the destination to includes the area, and communicating the updated second route to the user are overcome over the prior arts of record. In addition, the limitations of claim 8 are not found in the prior arts of record.

Conclusion

17. Claims 1, 4, 5, 9-13, 16, 17, 21-24, 27-32, 35, 36, 40-44, 47, 48, 52-55, 59, 62, 63 and 66-69 are rejected. Claims 2, 3, 6-8, 14, 15, 18-20, 25, 26, 33, 34, 37-39, 45, 46, 49-51, 60, 61, 64 and 65 are objected. Claims 56-58 and 69-72 are allowable.

18. The following references are cited as being of general interest: Hikita et al. (5,892,463), Oshizawa et al. (5,928,307), Mangal (6,801,519), Yoshikawa et al. (2004/0034464), Yamadji et al. (2004/0049343), and Mueller et al. (2005/0065717).

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

Any response to this action should be mailed to:

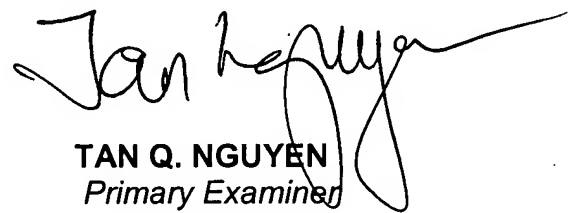
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Official Fax Center:

(703) 872-9306, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

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/tqn
May 31, 2005


TAN Q. NGUYEN
Primary Examiner
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